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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 IN THE MATTER OF THE
10 APPLICATION OF

11 JOHN RAY MILLER,
12 Petitioner.

Case No. 3:08-CV-00077-LRH-(RAM)

ORDER

13 Petitioner has submitted a Motion for Reconsideration (#14) pursuant to Rule 60 of the
14 Federal Rules of Civil Procedure. The Court dismissed this action because Petitioner insisted that
15 he did not file his habeas corpus petition pursuant to 28 U.S.C. § 2254 even though he is in custody
16 pursuant to a state-court judgment of conviction, and because Petitioner could seek leave to amend a
17 § 2254 petition that he already has pending in this Court. Nothing in the Motion for
18 Reconsideration (#14) would cause the Court to depart from its conclusions.

19 IT IS THEREFORE ORDERED that Petitioner's Motion for Reconsideration (#14) is
20 **DENIED.**

21 DATED this 21st day of May, 2008.



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24 **LARRY R. HICKS**
UNITED STATES DISTRICT JUDGE
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